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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
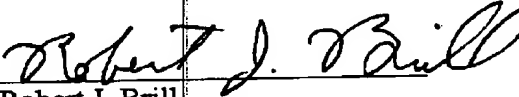
APPLICANT:	Keith Schwols	EXAMINER:	Monplaisir G. Hamilton	
SERIAL NO.:	09/759,619	GROUP: 2172	CONF. NO.: 2399	
FILED:	01/12/2001	DOCKET:	10990068-1	

TITLE: INTEGRATION OF A DATABASE INTO FILE MANAGEMENT SOFTWARE FOR PROTECTING, TRACKING AND RETRIEVING DATA

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being sent via facsimile transmission to Examiner Monplaisir G. Hamilton, Group Art Unit 2172, P.O. Box 1450, Alexandria, VA 22313-1450, at fax number (703) 746-9118, on March 3, 2004.

Robert J. Brill
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Reg. No. 36,760

Date of Signature: March 3, 2004

Examiner Monplaisir G. Hamilton
Group Art Unit 2172
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Alexandria, VA 22313-1450
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AGENDA FOR INTERVIEW

Dear Sir:

This paper is filed in response to a request from the Examiner to applicant's attorney during a Telephone Conference on March 1, 2004 for an agenda in preparation for an Interview scheduled for March 4, 2004 and associated with the Office Action mailed December 29, 2003 in connection with the above-designated application.

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Remarks

Claims 1, 3-4, and 6-8 are pending.

Claim Rejections - 35 U.S.C. §103:

Claims 1, 3-4, and 6 are rejected under U.S.C. §103(a) as being unpatentable over Dunphy (U.S. Patent No. 5,638,509) and Shaath, et al. (U.S. Patent No. 6,370,545; "Shaath") in view of Basic Software Algorithms by Samsung Electronics ("Samsung") and further in view of "How OLE and COM Solve the Problems of Component Software Design" by Brockschmidt, Kraig ("Kraig"). These rejections are respectfully, but most strenuously, traversed.

Applicant's invention, as defined by independent claim 1, is directed to a method for protecting, tracking, and retrieving data on a computer system, that comprises the steps of:

(a) connecting a database to an existing operating system and to existing file management software on said computer system;

(b) selecting at least one file to be protected from a primary storage device in said computer system;

(c) copying said at least one file from said primary storage device to a secondary storage device in said computer system by activating said existing file management software to perform said copying, wherein said secondary storage device contains at least one removable storage medium, wherein said at least one removable storage medium is assigned a unique identifier, comprising the steps of:

(c1) creating a globally unique identifier (GUID), wherein said GUID comprises 128 binary bits created from a current time and date from said computer system and a unique machine identifier copied from an electronic circuit of said computer system,

(c2) converting said GUID into a character string, and

(c3) assigning said character string as said unique identifier;

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(d) creating at least one database record when copying said at least one file from said primary storage device to said secondary storage device, wherein said at least one database record contains tracking information about said at least one file and about said copying;

(e) storing said at least one database record in said database; and

(f) displaying said at least one database record, through a user interface for said existing file management software on a screen display in a graphics display device of said computer system, wherein said at least one database record is displayed graphically as a virtual file representing said at least one file.

Applicant respectfully submits that the applied references, with or without combination, assuming, *arguendo*, that the combination of the applied references is proper, does not teach or suggest one or more elements of the claimed invention, as further discussed below.

For explanatory purposes, applicant discusses herein one or more differences between the applied references and the claimed invention with reference to one or more parts of the applied references. This discussion, however, is in no way meant to acquiesce in any characterization that one or more parts of the applied references correspond to the claimed invention.

Applicant respectfully submits that the applied references do not teach or suggest one or more elements of the claimed invention. A careful reading of the applied references fails to teach or suggest, for example, displaying the at least one database record, through the user interface for said existing file management software on the screen display in the graphics display device of the computer system, wherein the at least one database record is displayed graphically as the virtual file representing the at least one file.

Dunphy discloses a data storage and protection system. Dunphy fails to disclose use of a user interface of existing file management software. Dunphy (col. 5, lines 31-41) teaches away from using the user interface of the existing file management software:

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The user accesses the data storage and protection system 10 via the standard application program activation process native to computer system 1. The data storage and protection system 10, when activated, presents the user with the display illustrated in FIG. 2. The user can then select the configuration selection option which activates the capability for the user to define the mode of data backup and to identify the elements that are to be protected. This process is similar to existing data backup systems and is not described in great detail herein in the interest of brevity and clarity of description.

FIG. 2 of Dunphy discloses that the data storage and protection system 10 of Dunphy comprises a standalone application, as indicated by the "Exit" button. FIG. 4 of Dunphy discloses that the data storage and protection system 10 of Dunphy comprises a standalone application. FIG. 4 indicates a proprietary interface for selecting files and displaying stored versions of those files. Dunphy (col. 8, lines 23-42) discloses that the data storage and protection system 10 does not use the existing file management software to select data files for restoration:

The process is initiated by the user at step 51 when the user views the data storage and protection system 10 menu screen illustrated in FIG. 2. The user can select one of the many processes that are available on the data storage and protection system 10 by moving the cursor on to a menu selection box indicative of a desired one of these processes. In the present example, to restore a data file, the user moves the cursor on to the box labeled Restore and clicks the select button on the mouse (not shown) attached to computer system 1 (or types in "R" on the keyboard to make the same selection).

The data file restore process enables the user to select a particular data file and a particular vintage of the date file to be restored for access by the user. The user, by selecting the Restore option, is presented with another screen (FIG. 4) by the data storage and protection system 10 to enable the user to identify the desired data file. As can be seen from the display of FIG. 4, the user can navigate through the directory structure presented in the leftmost box of FIG. 43 to locate the directory in which is stored the desired data file.

In addition, Dunphy indicates that the data storage and protection system 10 is distinctly separate from the file management software 9 of the operating system 19. FIG. 1 of Dunphy

discloses that the data storage and protection system 10 is separate from the operating system 19.

Simply missing from Dunphy is any mention of displaying the at least one database record, through the user interface for said existing file management software on the screen display in the graphics display device of the computer system, wherein the at least one database record is displayed graphically as the virtual file representing the at least one file.

So, Dunphy fails to satisfy at least one of applicant's claim limitations.

The shortcomings of Dunphy relative to certain elements of the claimed invention have been discussed above. The Office Action proposes a combination of Dunphy with Shaath. However, Shaath does not overcome the deficiency of Dunphy. Applicant respectfully submits that the proposed combination of Dunphy with Shaath fails to provide the required approach.

Shaath discloses accessing a removable storage medium from a computer system. Shaath (col. 3, lines 19-32) teaches away from using the user interface of the existing file management software:

> "According to the present invention a device is assigned a device name that is unrecognizable to system utilities. In such a fashion, the devices are inaccessible to anyone who does not know an identifier in the form of a path name. Also, the device is not listed on the desktop or with a list of accessible storage media for use with a graphical user interface (GUI). For example, in Windows NT ® Disk Administrator, the identifiers do not appear."

Shaath fails to disclose use of a user interface of existing file management software. Simply missing from Shaath is any mention of displaying the at least one database record, through the user interface for said existing file management software on the screen display in the graphics display device of the computer system, wherein the at least one database record is displayed graphically as the virtual file representing the at least one file.

So, Shaath fails to satisfy at least one of applicant's claim limitations.

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The shortcomings of Shaath relative to certain elements of the claimed invention have been discussed above. The Office Action proposes a combination of Samsung with Dunphy and Shaath. However, Samsung does not overcome the deficiency of Dunphy and Shaath. Applicant respectfully submits that the proposed combination of Samsung with Dunphy and Shaath fails to provide the required approach or configuration.

Samsung discloses a method for converting hexadecimal to a character string (page 19). User interfaces of existing file management software for protecting, tracking, and retrieving data is beyond the disclosure of Samsung, as indicated by the title, "Basic Software Algorithms." Simply missing from Samsung is any mention of displaying the at least one database record, through the user interface for said existing file management software on the screen display in the graphics display device of the computer system, wherein the at least one database record is displayed graphically as the virtual file representing the at least one file.

So, Samsung fails to satisfy at least one of applicant's claim limitations.

The shortcomings of Dunphy, Shaath, and Samsung relative to certain elements of the claimed invention have been discussed above. The Office Action proposes a combination of Kraig with Dunphy, Shaath, and Samsung. However, Kraig does not overcome the deficiency of Dunphy, Shaath, and Samsung. Applicant respectfully submits that the proposed combination of Kraig with Dunphy, Shaath, and Samsung fails to provide the required approach or configuration.

Kraig discloses a well-known algorithm that creates a globally UUID, said GUID comprises 128 binary bits created from a current time and date from said computer system and a unique machine identifier copied from an electronic circuit of said computer system (page 14, lines 55-65, page 15, lines 1-5). User interfaces of existing file management software for

protecting, tracking, and retrieving data is beyond the disclosure of Kraig, as indicated by the title, "How OLE and COM Solve the Problems of Computer Software Design." Simply missing from Kraig is any mention of displaying the at least one database record, through the user interface for said existing file management software on the screen display in the graphics display device of the computer system, wherein the at least one database record is displayed graphically as the virtual file representing the at least one file.
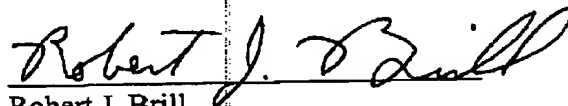
So, Kraig fails to satisfy at least one of applicant's claim limitations.

Furthermore, the Office Action does not allege that the art of record provides any teaching, suggestion, or incentive for modifying the applied references to provide the claimed configuration. Applicant respectfully submits that these documents fail to provide the express teaching, suggestion, or incentive, and the claimed invention is thus patentable over the art of record.

For all the above reasons, the independent claims are believed neither anticipated nor obvious over the art of the record. The dependent claims are believed allowable for the same reasons as the independent claims, as well as for their own additional characterizations.

Withdrawal of the §103 rejections is therefore respectfully requested.

Respectfully submitted,

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Reg. No. 36,760

Dated: March 3, 2004

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